



PATENT

2176  
JFw/AR

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert Miller et al. : Date: October 5, 2004  
Group Art Unit: 2126 : IBM Corporation  
Examiner: George Opie : Intellectual Property Law  
Serial No.: 09/421,585 : Dept. 917, Bldg. 006-1  
Filed: October 20, 1999 : 3605 Highway 52 North  
Title: APPARATUS AND METHOD FOR : Rochester, MN 55901  
PASSIVELY MONITORING  
LIVENESS OF JOBS IN A CLUSTERED  
COMPUTING ENVIRONMENT

INFORMATION DISCLOSURE STATEMENT AND PETITION REQUESTING  
CONSIDERATION UNDER 37 C.F.R. §1.97(d)

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants request that the information listed on the attached Form PTOSB08A be considered by the Office during the pendency of the above entitled application, pursuant to 37 C.F.R. §1.97. In accordance with 37 C.F.R. §1.97(h), the filing of this Information Disclosure Statement shall not constitute an admission that any information cited therein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b). In the interest of full and complete disclosure to the Office, some or all of the art cited herein may not be considered by Applicant(s) or the Undersigned to be material under the new standard of materiality defined in 37 C.F.R. §1.56(b), enacted March 16, 1992, but may be material under the old standard of materiality defined in 37 C.F.R. §1.56(a), last amended on November 28, 1988, or may merely be technical background which may be of interest to the Examiner. In accordance with 37 C.F.R. §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(d) after final office action or notice of allowance, but before payment of the issue fee. The certification specified in 37 C.F.R. §1.97(e) follows below.

The petition fee of \$130.00 set forth in 37 C.F.R. §1.17(i) is to be charged to our Deposit Account No. 09-0465.

Date: October 5, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

October 5, 2004

(Date of Deposit)

Debra A. Peterson  
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Respectfully submitted,

By:

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#### CERTIFICATION

I hereby certify that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

Steven W. Roth  
Steven W. Roth

October 5, 2004

Date

PTO/SB/08A

Application Number.: 09/421,585

Filing Date: October 20, 1999

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

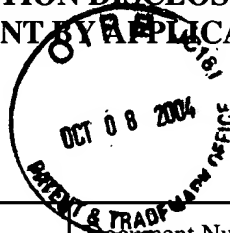
First Named Inventor: Robert Miller

Art Unit: 2126

Examiner Name: George Opie

Attorney Docket Number.: RO999-057

Sheet 1 of 1


**U.S. PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Document Number<br>Number - Kind Code <sup>2</sup><br>(if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited<br>Document | Pages, Columns<br>or Lines Where<br>Relevant Passages<br>or Figs. Appear |
|--------------------|-----------------------|--|--------------------------------|---|--|
|                    |                       | US - 6,247,059 B1  | 06-12-2001                     | Johnson et al.  |  |
|                    |                       | US -   |                                |   |  |
|                    |                       | US -   |                                |   |  |
|                    |                       | US -   |                                |   |  |
|                    |                       | US -   |                                |   |  |
|                    |                       | US -   |                                |   |  |
|                    |                       | US -   |                                |   |  |
|                    |                       | US -   |                                |   |  |
|                    |                       | US -   |                                |   |  |
|                    |                       | US -   |                                |   |  |
|                    |                       | US -   |                                |   |  |

**FOREIGN PATENT DOCUMENTS**

| Examiner Initials | Cite No. <sup>1</sup> | Foreign Patent Document<br>Country <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup><br>Code (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited<br>Document | Pages, Columns<br>or Lines Where<br>Relevant<br>Passages or Figs.<br>Appear | T <sup>6</sup> |
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| Examiner Signature |  | Date Considered |  |
|--------------------|--|-----------------|--|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

<sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.